MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/ 2016 SESSION

UCR 2612 – CRIMINAL LAW I

(All Sections / Groups)

12 OCTOBER 2015

Reading Time : 2.30 pm 2.45pm
(15 Minutes)

Answering Time: 2.45pm – 5.45pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given. Question **ONE** is compulsory.

4. Students are allowed to bring into Examination Hall a CLEAN and ORIGINAL copy Of the Penal Code.

5. Please write your answers in the Answer Booklet provided.

QUESTION 1 (Compulsory Question)

Alloe and Sarah were husband and wife but they quarrelled often. After many years of unhappy marriage, Sarah wanted a divorce from Alloe. Sarah left their matrimonial home and stayed temporarily with Delilah who was her childhood friend. One day Alleo came over to Delilah`s house with the purpose of asking Sarah to return home with him. Sarah refused and her refusal made Alloe very angry. He slashed Sarah with the *parang* that he had hidden underneath his shirt. Sarah was badly injured. Delilah managed to stop him and rushed her to the hospital. Sarah however, died in the ambulance.

i) Discuss Alloe`s criminal liability. (15 marks)

ii) Would your answer be different if Alloe slashed Delilah thinking that she was Sarah?

(10 marks)

(Total: 25 marks)

QUESTION 2

Melisa and Scarecrow were very good friends. However, Melisa did not like the fact that Scarecrow was a chain smoker. One day they were walking along the main road and saw a billboard that had an advertisement which discouraged smoking. Melisa then started to speak about the disadvantages of smoking. Scarecrow became very agitated and threw away the cigarette that he was smoking. At a distance they saw two children playing in a field. Since it had not rained for a while, the cigarette caused a fire immediately. Melisa tried to put out the fire but Scarecrow decided to run for his life. The next day, it was reported in the local newspaper that two the children who were playing in the field died as a result of the fire.

(i) Advise the Prosecution if the *actus reus* of the offence can be established.

(15 marks)

(ii) Would your answer differ if Melisa had immediately called the paramedics and rushed one of surviving child to the nearest hospital. The driver however, drove the ambulance into a ditch and they arrived almost three hours later. The child was pronounced dead upon arrival and Melisa was informed that if the child had arrived earlier the doctors could have saved her.

(10 marks)

(Total: 25 marks)

Continued...

QUESTION 3

(i) Describe by citing relevant case law when a defendant could be held liable although his *actus reus* and *mens rea* did not coincide.

(15 marks)

(ii) Explain the principles and application of section 80 of the Penal Code as a good and complete defence against a criminal charge. Support your answer by citing relevant cases.

(10 marks)

(Total: 25 marks)

QUESTION 4

Ali is a police officer who has been assigned a 24 hour working shift. Unfortunately when his shift almost ended, a case involving Raju, a drunken motorist, who had assaulted another road user, was referred to him. He was already exhausted when he had to face Raju's menace and noises. Raju kicked and punched Ali at his abdomen when Ali tried to keep him in the lock-up. Being furious and hurt, Ali gave Raju a few blows at Raju's face causing a deep cut and bruises and broke Raju's nose and jaw. Raju was brought to hospital later for further treatment and was hospitalized for 3 days due to his injuries.

Based on the above:

i) Discuss the criminal liability of all the parties. (15 marks)

ii) Determine possible defences that can be relied on by all the parties

(10 marks)

(Total: 25 marks)

Continued...

QUESTION 5

Nina was driving her new sport car through an old state road in Kampar as she was heading back to her village in Kedah for Hari Raya. The road is a single lane with two directions and the traffic was quite busy with vehicles in both ways. Being so anxious to arrive at her village in her new car, she drove consistently at 100 km per hour and overtook all other vehicles in front of her. At a corner, without giving any warning or sign of her approach, she attempted to overtake a motorcycle riden by Ah San, allowing at the very most a few inches of clearance. Due to the impact of her speed and very little room for Ah San to avert, Ah San was thrown to the side of the road. Ah San was pronounced death at Kampar Hospital due to severe head injuries.

Acting on public information, the police arrested Nina.

i) Can Nina be convicted of an offence under the Penal Code?

(15 marks)

ii) Examine the applicability of defence of mistake in Nina's situation should she claim that she thought the room was sufficient for Ah San to ride and that she thought that the speed at the area was 110 km per hour.

(10 marks)

(Total: 25 marks)

End of Page